

UA: 209/17, **UPDATE 1**, AI Index: EUR 46/7264/2017 of 16 October 2017.

The original index number is: EUR 49/7085/2017 of 12 September 2017.

RUSSIAN FEDERATION:

LGBTI ACTIVIST FACES TRIAL FOR 'HOMOSEXUAL PROPAGANDA'

On 18 October, a court in Samara will hear the case against human rights defender Evdokia Romanova accused of spreading "homosexual propaganda". The judge has ruled that the hearing will be closed to the public. The proceedings against Evdokia Romanova stem solely from the peaceful exercise of her right to freedom of expression and therefore must be dropped.



The proceedings against human rights defender Evdokia Romanova, accused of "homosexual propaganda", were instigated on 26 July. Her case was initially brought before the Kirov District Court in Samara, central Russia. However, at the hearing on 18 September, the judge pronounced that the case should be heard by a magistrate. On 4 October, Evdokia Romanova received a letter from the magistrate to whom her case had been transferred to, notifying her that the case was being sent back to the police department which had initiated it, to address some errors in the casefile. One error related to the statute of limitations on the "offence" which Evdokia Romanova stood accused of, which had expired even before the police filed the case

against the human rights defender. The place where Evdokia Romanova had also allegedly committed the "offence" was identified incorrectly. Furthermore, as her actual place of residence is outside the magistrate's jurisdiction the case would have to be transferred yet again. In the late afternoon of 5 October, her lawyer was informed that the hearing would take place on 9 October. Evdokia Romanova and her lawyer only had the weekend to prepare for the hearing.

At the hearing on 9 October, the judge ruled that the trial must be closed to the public in order to prevent the case from generating further "propaganda". After the hearing, the judge told Evdokia Romanova that she was unhappy about the level of attention the case had garnered and the numerous phone calls she was receiving from journalists in Moscow. The judge said she did not want journalists in the courtroom. The next hearing is scheduled for 18 October.

Please send an urgent letter, email or fax without delay!

- * Urge the Russian authorities to end the proceedings against Evdokia Romanova as they stem solely from the peaceful exercise of her right to freedom of expression.
- * Call on them to abolish the "homosexual propaganda law" as it contravenes Russia's international obligations to respect the right to freedom of expression.
- * Remind them of their obligation to ensure the right to a public hearing, which includes granting access to the general public and media.

Here is the contact information you will need:

Prosecutor of Samara Region

Konstantin Nikolaevich Bukreev

ul.Krasnoarmeiskaia, 32

443030, Samara Region

Russian Federation

Fax: 011 7 (846) 333-54-28 / 011 7 (846) 332-29-44

Send message via website in Russian: <http://www.samproc.ru/feedback/feedback.php>

Salutation: Dear Prosecutor

Prosecutor General of the Russian Federation

Yuriy Yakovlevich Chaika

Prosecutor General's Office

ul. B. Dmitrovka, d.15a

125993 Moscow GSP- 3

Russian Federation

Fax: 011 7 495 987 58 41/ 011 7 495 692 17 25

Salutation: Dear Prosecutor General

Please send a copy to:

Human Rights Ombudsman for Samara Region

High Commissioner Olga Dmitrievna Galtsova,

Ul.Mayakovskogo, 20

443100 Samara Region

Russian Federation

Fax: 011 7 8463 374983

Email: Ombudsman.Samara@yandex.ru

His Excellency Alexander Darchiev

Ambassador for the Russian Federation

285 Charlotte Street

Ottawa, Ontario K1N 8L5

Fax: 1 (613) 236-6342

Email: info@rusembassy.ca

ADDITIONAL INFORMATION

On 26 July, human rights defender Evdokia Romanova, an active member of the Youth Coalition for Sexual and Reproductive Rights (YCSRR) from Samara in Central Russia, was called to her local police station to act as a witness for another case the police was investigating. However, on arrival she was questioned and charged under Article 6.21, part 2 of the Russian Code of Administrative Offences for "propaganda of non-traditional sexual relationships among minors using Internet". Her only "crime" was the reposting on her personal Facebook and Russian social media network, VKontakte, of links to the YCSRR

website and media publications, including an article on The Guardian on the same-sex marriage referendum in Ireland and a BuzzFeed article on an exhibition in St. Petersburg on Russian LGBTI teens. Four of the posts date back to 2015 and another to May 2016. If found guilty, she could be fined up to 100,000 roubles (USD 1,750).

The Youth Coalition for Sexual and Reproductive Rights (YCSRR) was formed at the Hague Youth Forum in February 1999, organized by the United Nations Population Fund (UNFPA), the World Population Foundation (WPF) and the Dutch Council on Youth and Population. A number of young people participating in the forum were particularly concerned with the situation of sexual and reproductive health and rights of adolescents and young people. These young people established the YCSRR to support and sustain young people's efforts towards the realization of their sexual and reproductive health and rights.

The law prohibiting "promotion of non-traditional sexual relations among minors" - also known as the "homosexual propaganda law", was passed in Russia in June 2013. It introduced Article 6.21 into the Russian Code of Administrative Offences, providing hefty fines for those who, according to the authorities, "promoted non-traditional sexual relations". Amnesty International believes that the law violates the right to freedom of expression and has been campaigning for its abolition. The law has had a particular negative impact on the work of LGBTI organizations and activists alike. Since its introduction in 2013, several people, including LGBTI activists Nikolay Alexeev, Nikolay Baev and Alexey Kiselev, were fined under this law. In January 2014 these three activists submitted a case to the European Court of Human Rights (ECtHR) claiming that their rights under the European Convention of Human Rights had been violated. In June 2017, the Court ruled that Russia violated Article 10 (right to freedom of expression) and Article 14 (prohibition of discrimination) of the European Convention and that it must pay compensation to the activists. Russia is appealing the decision.

The right to a public hearing is an essential safeguard of the fairness and independence of the judicial process, and a means of protecting public confidence in the justice system. Except in prescribed and narrowly defined circumstances, such as cases involving children, court hearings and judgments in criminal cases must be public. The right to a public hearing means that not only the parties in the case, but also the general public and the media, have the right to be present.